

In re Application of Kromann et al.
Serial No. 10/804,769

REMARKS

The Office action has been carefully considered. The Office action rejected claims 1-5 and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0107165 A1 to Blair et al. ("Blair"). Further, the Office action rejected claims 6-13 and 15-30 under 35 U.S.C. § 103(a) as being unpatentable over Blair in view of U.S. Patent Publication No. 2005/0080861 to Daniell et al. ("Daniell"). Still further, the Office action rejected claim 13 under 35 U.S.C. § 112, first paragraph as lacking enablement. Applicants respectfully disagree.

By present amendment, claims 1, 14, and 28 have been amended for clarification and not in view of the prior art. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Applicants thank the Examiner for the interview held (by telephone) on November 14, 2005. During the interview, the Examiner and applicants' attorney discussed the claims with respect to the prior art. The essence of applicants' position is incorporated in the remarks below.

Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

The present invention is directed to a system and method in which the account settings for managing (e.g., sending and receiving) data are maintained in

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association with the managed data, such that the account settings and data remain unified yet are independent of any computing device. By storing the actual account configuration settings in the same store with its related data, the account is fully portable with respect to various stand-alone and/or networked computing systems.

For example, with a conventional method, a mail (inbox) application program typically stores account settings part and parcel with the application itself, and not with the data. Thus, when a conventional mail application is initiated, not only does the application itself execute from a local store, but also, the application's initial account settings are retrieved from the very same local store even though specific account data may be retrieved from a different store.

Thus, a typical user may choose to have a mail application running on a mobile device. When the mail application is initiated, the application begins executing and determines that mail application will be initiated from the perspective of the user's data as the user's account settings are read from the same store as the application program. The actual data (e.g., stored messages and the like) may, in fact, be stored elsewhere, but the account settings are stored with the application itself. Such is the case for conventional personal computers and any number of portable mobile devices.

However, the system and method of the present invention maintains mail account settings (e.g., for managing email message data) in association with the mail data (e.g., the email message content) which may be stored in a separate store from the application itself. Thus, whenever a user initiates the application, the user retrieves not only his or her data (e.g., email messages), but also the

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account settings (e.g., preferences) from a different store that is not part of the application. To continue the above example, the user may store not only his or her email messages in a separate store, but also may store the account settings for the mail program, such that the user may initiate any mail application from any mobile device that may have access to the store in which the user's account settings and data are stored.

In one implementation, the message data and the account settings may be maintained in a common data store, such as a removable memory card (e.g., a multimedia, or MMC card). When a user connects the medium, such as by inserting his or her card, the device may automatically read the email account settings from the newly connected medium, which may then be used to properly receive or send any corresponding messages. Because the account settings may be maintained in the common store in the same store with any persisted data that is related, such as saved messages, the settings and related data thus travel with the user / card when moved to another device. Note that the above description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

§112 Rejection

The Office action rejected claim 13 as not being enabling, as the Office action contends that claim 13 only recites a single means which does not enable a skilled artisan to access the metes and bounds of the claim. Applicants respectfully disagree as claim 13 is directed to a computer-readable medium

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embodying computer implement-able instructions for carrying out the method recited in claim 1. Claim 1 is directed towards an application that uses account data and content data, and essentially recites maintaining account data in a common store with content data related to that account data and reading the account data from the common store to update the content data with content data from another source. Surely, the specification is replete with enablement regarding the method of claim. It necessarily follows, then, that claim 13 is also enabled as claim 13 is simply a computer-readable medium embodiment of the method of claim 1 (*i.e.*, a computer disk or memory, for example). Applicants respectfully request that the §112 rejection of claim 13 be withdrawn.

§102 Rejections

Turning to the first claim rejected under §102, amended claim 1 generally recites, for an application that uses account data and content data, maintaining account data in a common store with content data related to that account data, and reading the account data from the common store to update the content data with content data from another source.

The Office action rejected claim 1 as being anticipated by Blair. More specifically, the Office action contends that Blair teaches maintaining account data in a common store with content data related to that account data. Fig. 1 and its descriptions in Blair are referenced. Further, the Office action contends that Blair teaches reading the account data from the common store to update the content

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data with content data from another source. Again, Fig. 1 and its descriptions in Blair are referenced. Applicants respectfully disagree.

Blair is directed, generally, to a system and method for staging transactions and facilitating payments by consumers to merchants. Specifically, the system detailed in Fig. 1 includes several different computing devices having several applications resident upon one or more of these computing devices. The Office action identifies a lender/merchant control application that resides on a lender/merchant device 120. The device 120 has an associated database 122 for storing data associated with the applications that are resident on the lender/merchant device 120. Using this model, Blair teaches several methods for realizing typical financial transactions between customers and merchants. The nature of the application to stored data relationship is, however, quite different from that of the present invention, in that among other things, Blair's account data and content data are stored separate from each other.

In contrast to Blair, claim 1 recites maintaining account data in a common store with content data related to that account data. As discussed above, account data is typically data that describes the manner in which an account is set up. For example, in an email application, the account data describes the username, password, security parameters and other data generally associated with the manner in which an email program operates with respect to a user. Content data is typically data that is the subject matter of a particular application. For example, in an email application, content data would be any email message that is received, stored, archived, or otherwise manipulated by a user of the email application.

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Thus, as recited in claim 1, both the account data and the content data are maintained in a common store, such as for example, a removable media card. In this manner, the account data and the content data may be easily imported into to any application that may reside on any platform.

Conventional systems, including the system taught by Blair, do not store the account data and the content data together. Specifically, with respect to Blair, the account data is stored with the application itself in the lender/merchant device 120 while the content data is stored in a separate database 122. Storing account data in a first store (lender/merchant 120) and storing content data in a separate store (database 122) is not the same as maintaining account data in a common store with content data related to that account data as recited in claim 1. Applicants submit that claim 1 is allowable over the prior art of record for at least the foregoing reasons.

Applicants respectfully submit that dependent claims 2-5, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 1 and consequently includes the recitations of independent claim 1. As discussed above, Blair fails to disclose the recitations of claim 1 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 1 noted above, each of these dependent claims includes additional patentable elements.

For example, claim 2 recites wherein the common store is on a storage mechanism that is selectively connectable to the computing device. Blair cannot possibly teach this recitation as the application of Blair (lender/merchant control)

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also includes account data (*i.e.*, accounts configuration and settings). Thus, it simply does not make sense to say that the application may be stored on a store that is removable from itself as a single store (which stores both the application and account data) is not separable. Applicants submit that claim 2 is allowable over the prior art of record for at least this additional reason.

Turning to the next independent claim, amended claim 14 generally obtaining account settings for an application, the account settings maintained in a common store, using the account settings that were obtained to retrieve content data from a content source, and updating content data in the common store with the content data retrieved via the account settings.

The Office action rejected claim 14 as being anticipated by Blair. The Office action did not specifically cite where or how Blair teaches the recitations of claim 14. Applicants assume that similar reasons to those reasons detailed above with respect to claim 1 are also contended with regard to claim 14. Applicants respectfully disagree.

As discussed above, Blair is directed, generally, to a system and method for staging transactions and facilitating payments by consumers to merchants. Specifically, the system detailed in Fig. 1 includes several different computing devices having several applications resident upon one or more of these computing devices. The nature of the application to stored data relationship is, however, quite different from the present invention specifically because account settings data (stored in the lender/merchant device 120) is stored separate from content data (stored in the database 122).

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Claim 14 recites retrieving account settings from a common store and updating content data in the same common store. As discussed above, account settings data is typically data describing the manner in which an account is set up. Content data is typically data that is the subject matter of a particular application. Thus, as recited in claim 14, both the account settings data and the content data is maintained in a common store, such as for example, a removable media card. In this manner, for example, the account settings data and the content data may be easily imported into to any application that may reside on any platform, and may easily be moved from one device to another, providing numerous advantages over conventional models such as Blair's model.

Conventional models, including the system taught by Blair, do not store the account settings data and the content data together. Specifically, with respect to Blair, the account data is stored with the application itself in the lender/merchant device 120 while the content data is stored in a separate database 122. Storing account data in a first store (lender/merchant 120) and storing content data in a separate store (database 122) is significantly different from maintaining account data in a common store with content data related to that account data as recited in claim 14. Applicants submit that claim 14 is allowable over the prior art of record for at least the foregoing reasons.

\$103 Rejections

The Office action rejected claims 6-13 and 15-30 as being unpatentable over Blair in view of Daniell. Claims 6-13 depend from independent claim 1 and

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claims 15-27 depend from independent claim 14. Applicants respectfully submit that dependent claims 6-13 and 15-27, by similar analysis as discussed above with regard to each respective independent claim from which these claims depend (claim 1 for claim 6-13 and claim 14 for claims 15-27), are allowable. Each of these claims depends either directly or indirectly from claims 1 and 14 and consequently includes the recitations of either independent claim 1 or 14. As discussed above, Blair fails to disclose the recitations of claims 1 and 14 and therefore these claims are also allowable over the prior art of record. Furthermore, Blair and Daniell, whether considered individually or in any permissible combination at law with each other or with any other prior art of record, still fail to teach or suggest the recitations of claims 6-13 and 15-27. Indeed, Daniell is silent as to account data maintained with other data in the manner claimed. In addition to the recitations of claims 1 and 14 noted above, each of these dependent claims includes additional patentable elements.

Turning to the last independent claim, amended claim 28 recites in a computing device, a system comprising a storage mechanism that contains a common store having account settings and stored message data related to those account settings, the account settings and stored message data associated with an application stored separate from the common store, and a message-handling mechanism that obtains the account settings from the storage mechanism and uses those account settings to retrieve other message data from a message source and update the stored message data with the other message data.

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The Office action rejected claim 28 as being unpatentable over Blair in view of Danniell. The Office action did not detail specifically how Blair and Daniell allegedly disclose the recitations of claim 28. Regardless, applicants respectfully disagree.

To establish *prima facie* obviousness of a claimed invention, all of the claim recitations must be taught or suggested by the prior art; (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)), and "all words in a claim must be considered in judging the patentability of that claim against the prior art;" (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). Further, if prior art, in any material respect teaches away from the claimed invention, the art cannot be used to support an obviousness rejection. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed Cir. 1997). Moreover, if a modification would render a reference unsatisfactory for its intended purpose, the suggested modification / combination is impermissible. See MPEP § 2143.01.

Applicants submit that the Office action has failed to establish a *prima facie* case for obviousness. The Office action simply did not detail any reasons as to what particular sections of Blair and Daniell teach the specific recitations of claim 28. Furthermore, the Office action did not cite any reasons of motivation as to why Blair and Daniell may be permissibly combined in the first place. By law, not only must each and every recitation in claim 28 be found in a cited reference, but also a motivation to combine the references cited must be presented. Notwithstanding, even if somehow permissible to combine these disparate references, applicants submit that Blair and Daniell, whether considered individually, or in any permissible

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combination with each other or any other prior art of record, fail to teach or even suggest the recitations of claim 28 and that claim 28 is allowable over the prior art of record for at least the foregoing reasons.

Applicants respectfully submit that dependent claims 29-30, by similar analysis as discussed above, are allowable. Each of these claims depends directly from claim 28 consequently includes the recitations of independent claim 28. Blair and Daniell, whether considered individually or in any permissible combination at law with each other or with any other prior art of record, fail to teach or suggest the recitations of claim 28. In addition to the recitations of claim 28 noted above, each of these dependent claims includes additional patentable elements.

For at least these additional reasons, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and early allowance of this application is earnestly solicited.


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CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-30 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



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